



General Assembly

January Session, 2003

Raised Bill No. 6698

LCO No. 4667

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING DRUNKEN DRIVING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (g) Any person who violates any provision of subsection (a) of this
5 section shall: (1) For conviction of a first violation, (A) be fined not less
6 than five hundred dollars nor more than one thousand dollars, and (B)
7 be (i) imprisoned not more than six months, forty-eight consecutive
8 hours of which may not be suspended or reduced in any manner, or
9 (ii) imprisoned not more than six months, with the execution of such
10 sentence of imprisonment suspended entirely and a period of
11 probation imposed requiring as a condition of such probation that
12 such person perform one hundred hours of community service, as
13 defined in section 14-227e, and (C) have such person's motor vehicle
14 operator's license or nonresident operating privilege suspended for
15 one year; (2) for conviction of a second violation within ten years after
16 a prior conviction for the same offense, (A) be fined not less than one
17 thousand dollars nor more than four thousand dollars, (B) be

18 imprisoned not more than two years, one hundred twenty consecutive
19 days of which may not be suspended or reduced in any manner, and
20 sentenced to a period of probation requiring as a condition of such
21 probation that such person perform one hundred hours of community
22 service, as defined in section 14-227e, and (C) (i) have such person's
23 motor vehicle operator's license or nonresident operating privilege
24 suspended for three years or until the date of such person's twenty-
25 first birthday, whichever is longer, or (ii) if such person has been
26 convicted of a violation of subdivision (1) of subsection (a) of this
27 section on account of being under the influence of intoxicating liquor
28 or of subdivision (2) of subsection (a) of this section, have such
29 person's motor vehicle operator's license or nonresident operating
30 privilege suspended for one year and be prohibited for the two-year
31 period following completion of such period of suspension from
32 operating a motor vehicle unless such motor vehicle is equipped with
33 a functioning, approved ignition interlock device, as defined in section
34 3 of this act; and (3) for conviction of a third and subsequent violation
35 within ten years after a prior conviction for the same offense, (A) be
36 fined not less than two thousand dollars nor more than eight thousand
37 dollars, (B) be imprisoned not more than three years, one year of which
38 may not be suspended or reduced in any manner, and sentenced to a
39 period of probation requiring as a condition of such probation that
40 such person perform one hundred hours of community service, as
41 defined in section 14-227e, and (C) have such person's motor vehicle
42 operator's license or nonresident operating privilege permanently
43 revoked upon such third offense. For purposes of the imposition of
44 penalties for a second or third and subsequent offense pursuant to this
45 subsection, a conviction under the provisions of subsection (a) of this
46 section in effect on October 1, 1981, or as amended thereafter, a
47 conviction under the provisions of either subdivision (1) or (2) of
48 subsection (a) of this section, a conviction under the provisions of
49 section 53a-56b or 53a-60d or a conviction in any other state of any
50 offense the essential elements of which are determined by the court to
51 be substantially the same as subdivision (1) or (2) of subsection (a) of

52 this section or section 53a-56b or 53a-60d, shall constitute a prior
53 conviction for the same offense.

54 Sec. 2. Subsection (h) of section 14-227a of the general statutes is
55 repealed and the following is substituted in lieu thereof (*Effective*
56 *October 1, 2003*):

57 (h) (1) Each court shall report each conviction under subsection (a)
58 of this section to the Commissioner of Motor Vehicles, in accordance
59 with the provisions of section 14-141. The commissioner shall suspend
60 the motor vehicle operator's license or nonresident operating privilege
61 of the person reported as convicted for the period of time required by
62 subsection (g) of this section, as amended by this act. The
63 commissioner shall determine the period of time required by said
64 subsection (g) based on the number of convictions such person has had
65 within the specified time period according to such person's driving
66 history record, notwithstanding the sentence imposed by the court for
67 such conviction. The period of suspension shall commence on the date
68 of conviction, except that if such person is sentenced to a term of
69 imprisonment, the execution of which is not suspended entirely, the
70 period of suspension shall commence on the date such person is
71 released from incarceration. (2) The motor vehicle operator's license or
72 nonresident operating privilege of a person found guilty under
73 subsection (a) of this section who is under eighteen years of age shall
74 be suspended by the commissioner for the period of time set forth in
75 subsection (g) of this section, or until such person attains the age of
76 eighteen years, whichever period is longer. (3) The motor vehicle
77 operator's license or nonresident operating privilege of a person found
78 guilty under subsection (a) of this section who, at the time of the
79 offense, was operating a motor vehicle in accordance with a special
80 operator's permit issued pursuant to section 14-37a shall be suspended
81 by the commissioner for twice the period of time set forth in subsection
82 (g) of this section. (4) If an appeal of any conviction under subsection
83 (a) of this section is taken, the suspension of the motor vehicle
84 operator's license or nonresident operating privilege by the

85 commissioner, in accordance with this subsection, shall be stayed
86 during the pendency of such appeal.

87 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) For the purposes of this
88 section and section 4 of this act:

89 (1) "Ignition interlock device" means a device installed in a motor
90 vehicle that measures the blood alcohol content of the operator and
91 disallows the mechanical operation of such motor vehicle until the
92 blood alcohol content of such operator is less than eight-hundredths of
93 one per cent; and

94 (2) "Immobilization device" means a device installed on a motor
95 vehicle that physically or mechanically prevents such motor vehicle
96 from being operated.

97 (b) Any person who has been arrested for a violation of subsection
98 (a) of section 14-227a of the general statutes, section 53a-56b of the
99 general statutes, or section 53a-60d of the general statutes, may be
100 ordered by the court not to operate any motor vehicle unless such
101 motor vehicle is equipped with an ignition interlock device, or may be
102 ordered by the court after a hearing to install an immobilization device
103 on any motor vehicle that such person owns, leases or otherwise has
104 the right to operate. Any such order may be made as a condition of
105 such person's release on bail or as a condition of granting such person's
106 application for participation in the pretrial alcohol education system
107 under section 54-56g of the general statutes, and may include any
108 other terms and conditions as to duration, use, proof of installation or
109 any other matter that the court determines to be appropriate or
110 necessary.

111 (c) All costs of installing and maintaining an ignition interlock
112 device or immobilization device shall be borne by the person who is
113 the subject of an order made pursuant to subsection (b) of this section.
114 If any such person claims to be unable to pay such costs, such person
115 shall file with the court an affidavit of indigency or inability to pay. If

116 such indigency or inability to pay is confirmed by the Court Support
117 Services Division, the court may enter a finding thereof, and such costs
118 of installing and maintaining an ignition interlock or immobilization
119 device, as the case may be, shall be paid by the state from the budget of
120 the Department of Mental Health and Addiction Services.

121 (d) The Commissioner of Public Health shall adopt regulations, in
122 accordance with chapter 54 of the general statutes, for the approval of
123 ignition interlock devices, and for the proper calibration and
124 maintenance of such devices. The Commissioner of Motor Vehicles
125 shall adopt regulations, in accordance with chapter 54 of the general
126 statutes, for the approval of immobilization devices. No ignition
127 interlock device or immobilization device shall be installed pursuant to
128 an order of the court under subsection (b) of this section unless such
129 device has been approved under such regulations.

130 (e) No provision of this section shall be construed to authorize the
131 operation of a motor vehicle by any person whose motor vehicle
132 operator's license has been refused, suspended or revoked, or who
133 does not hold a valid motor vehicle operator's license. A court shall
134 inform the Commissioner of Motor Vehicles of each order made by it
135 pursuant to subsection (b) of this section. If any person who has been
136 ordered to install an ignition interlock device is the holder of a special
137 permit to operate a motor vehicle for employment purposes, issued by
138 the commissioner under the provisions of section 14-37a of the general
139 statutes, strict compliance with the terms of the order shall be deemed
140 a condition to hold such permit, and any failure to comply with such
141 order shall be sufficient cause for immediate revocation of the permit
142 by the commissioner.

143 Sec. 4. (NEW) (*Effective October 1, 2003*) (a) No person whose right to
144 operate a motor vehicle has been restricted pursuant to an order of the
145 court under subsection (b) of section 3 of this act shall (1) request or
146 solicit another person to blow into an ignition interlock device or to
147 start a motor vehicle equipped with an ignition interlock device for the

148 purpose of providing such person with an operable motor vehicle, or
149 (2) operate any motor vehicle not equipped with a functioning ignition
150 interlock device or any motor vehicle that a court has ordered such
151 person not to operate.

152 (b) No person shall tamper with, alter or bypass the operation of an
153 ignition interlock device or immobilization device for the purpose of
154 providing an operable motor vehicle to a person whose right to
155 operate a motor vehicle has been restricted pursuant to an order of the
156 court under subsection (b) of section 3 of this act.

157 (c) Any person who violates any provision of subsection (a) or (b) of
158 this section shall be guilty of a class C misdemeanor.

159 (d) Each court shall report each conviction under subsection (a) or
160 (b) of this section to the Commissioner of Motor Vehicles, in
161 accordance with the provisions of section 14-141 of the general
162 statutes. The commissioner shall suspend the motor vehicle operator's
163 license or nonresident operating privilege of the person reported as
164 convicted for a period of one year.

165 Sec. 5. Section 14-227c of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2003*):

167 (a) As part of the investigation of any motor vehicle accident
168 resulting in a fatality, the Chief Medical Examiner, Deputy Chief
169 Medical Examiner, an associate medical examiner, a pathologist as
170 specified in section 19a-405, or an authorized assistant medical
171 examiner, as the case may be, shall order that a blood sample be taken
172 from the body of any operator or pedestrian who dies as a result of
173 such accident. Such blood samples shall be examined for the presence
174 and concentration of alcohol by the Division of Scientific Services
175 within the Department of Public Safety or by the Office of the Chief
176 Medical Examiner. Nothing in this subsection or section 19a-406 shall
177 be construed as requiring such medical examiner to perform an
178 autopsy in connection with obtaining such blood samples.

179 **(b)** To the extent provided by law, a blood or breath sample may
 180 also be obtained from any surviving operator whose motor vehicle is
 181 involved in [such] an accident resulting in a fatality. If a police officer
 182 has probable cause to believe that an operator of a motor vehicle
 183 whose motor vehicle is involved in an accident resulting in a fatality or
 184 serious physical injury, as defined in section 53a-3, was operating such
 185 motor vehicle while under the influence of intoxicating liquor, such
 186 police officer shall request such operator to submit to a blood or breath
 187 test at the option of the police officer. The test shall be performed by or
 188 at the direction of a police officer according to methods and with
 189 equipment approved by the Department of Public Safety and shall be
 190 performed by a person certified or recertified for such purpose by said
 191 department or recertified by persons certified as instructors by the
 192 Commissioner of Public Safety. The equipment used for such test shall
 193 be checked for accuracy by a person certified by the Department of
 194 Public Safety immediately before and after such test is performed. If a
 195 blood test is performed, it shall be on a blood sample taken by a person
 196 licensed to practice medicine and surgery in this state, a qualified
 197 laboratory technician, an emergency medical technician II, a registered
 198 nurse or a phlebotomist. The blood samples obtained from [the
 199 surviving] an operator pursuant to this subsection shall be examined
 200 for the presence and concentration of alcohol by the Division of
 201 Scientific Services within the Department of Public Safety. [Nothing in
 202 this section or section 19a-406 shall be construed as requiring such
 203 medical examiner to perform an autopsy in connection with obtaining
 204 such blood samples.] Notwithstanding the provisions of subsection (j)
 205 of section 14-227a, upon request of a police officer who has probable
 206 cause to believe that an operator of a motor vehicle that was involved
 207 in an accident resulting in a fatality or serious physical injury, as
 208 defined in section 53a-3, was operating such motor vehicle while under
 209 the influence of intoxicating liquor, a hospital shall provide such police
 210 officer any records that indicate the blood alcohol content of such
 211 operator.

212 Sec. 6. Section 14-227b of the general statutes is repealed and the

213 following is substituted in lieu thereof (*Effective October 1, 2003*):

214 (a) Any person who operates a motor vehicle in this state shall be
215 deemed to have given such person's consent to a chemical analysis of
216 such person's blood, breath or urine and, if such person is a minor,
217 such person's parent or parents or guardian shall also be deemed to
218 have given their consent.

219 (b) If any such person, (1) (A) having been placed under arrest for
220 operating a motor vehicle while under the influence of intoxicating
221 liquor or any drug or both, and thereafter, after being apprised of such
222 person's constitutional rights, and having been requested to submit to
223 a blood, breath or urine test at the option of the police officer, or (B)
224 having been requested to submit to a blood or breath test pursuant to
225 subsection (b) of section 14-227c, as amended by this act, (2) having
226 been afforded a reasonable opportunity to telephone an attorney prior
227 to the performance of such test, and (3) having been informed that
228 such person's license or nonresident operating privilege may be
229 suspended in accordance with the provisions of this section if such
230 person refuses to submit to such test or if such person submits to such
231 test and the results of such test indicate that such person has an
232 elevated blood alcohol content, and that evidence of any such refusal
233 shall be admissible in accordance with subsection (e) of section 14-227a
234 and may be used against such person in any criminal prosecution,
235 refuses to submit to the designated test, the test shall not be given;
236 provided, if the person refuses or is unable to submit to a blood test,
237 the police officer shall designate the breath or urine test as the test to
238 be taken. The police officer shall make a notation upon the records of
239 the police department that such officer informed the person that such
240 person's license or nonresident operating privilege may be suspended
241 if such person refused to submit to such test or if such person
242 submitted to such test and the results of such test indicated that such
243 person had an elevated blood alcohol content.

244 (c) If the person [arrested] refuses to submit to such test or analysis

245 or submits to such test or analysis, commenced within two hours of the
246 time of operation, and the results of such test or analysis indicate that
247 such person has an elevated blood alcohol content, the police officer,
248 acting on behalf of the Commissioner of Motor Vehicles, shall
249 immediately revoke and take possession of the motor vehicle
250 operator's license or, if such person is a nonresident, suspend the
251 nonresident operating privilege of such person, for a twenty-four-hour
252 period. The police officer shall prepare a written report of the incident
253 and shall mail the report and a copy of the results of any chemical test
254 or analysis to the Department of Motor Vehicles within three business
255 days. The report shall be made on a form approved by the
256 Commissioner of Motor Vehicles and shall be subscribed and sworn to
257 under penalty of false statement as provided in section 53a-157b by the
258 [arresting] police officer. If the person [arrested] refused to submit to
259 such test or analysis, the report shall be endorsed by a third person
260 who witnessed such refusal. The report shall set forth the grounds for
261 the officer's belief that there was probable cause to arrest such person
262 for operating a motor vehicle while under the influence of intoxicating
263 liquor or any drug or both or, if such person was operating a motor
264 vehicle involved in an accident resulting in a fatality or serious
265 physical injury, as defined in section 53a-3, that there was probable
266 cause to believe that such person was operating such motor vehicle
267 while under the influence of intoxicating liquor and shall state that
268 such person had refused to submit to such test or analysis when
269 requested by such police officer to do so or that such person submitted
270 to such test or analysis, commenced within two hours of the time of
271 operation, and the results of such test or analysis indicated that such
272 person had an elevated blood alcohol content.

273 (d) If the person [arrested] submits to a blood or urine test at the
274 request of the police officer, and the specimen requires laboratory
275 analysis in order to obtain the test results, the police officer shall not
276 take possession of the motor vehicle operator's license of such person
277 or, except as provided in this subsection, follow the procedures
278 subsequent to taking possession of the operator's license as set forth in

279 subsection (c) of this section. If the test results indicate that such
280 person has an elevated blood alcohol content, the police officer,
281 immediately upon receipt of the test results, shall notify the
282 Commissioner of Motor Vehicles and submit to the commissioner the
283 written report required pursuant to subsection (c) of this section.

284 (e) Upon receipt of such report, the Commissioner of Motor Vehicles
285 may suspend any license or nonresident operating privilege of such
286 person effective as of a date certain, which date shall be not later than
287 thirty days after the date such person received notice of such person's
288 arrest by the police officer or was requested by the police officer to
289 submit to a blood or breath test pursuant to subsection (b) of section
290 14-227c, as amended by this act. Any person whose license or
291 operating privilege has been suspended in accordance with this
292 subsection shall automatically be entitled to a hearing before the
293 commissioner to be held prior to the effective date of the suspension.
294 The commissioner shall send a suspension notice to such person
295 informing such person that such person's operator's license or
296 nonresident operating privilege is suspended as of a date certain and
297 that such person is entitled to a hearing prior to the effective date of
298 the suspension and may schedule such hearing by contacting the
299 Department of Motor Vehicles not later than seven days after the date
300 of mailing of such suspension notice.

301 (f) If such person does not contact the department to schedule a
302 hearing, the commissioner shall affirm the suspension contained in the
303 suspension notice for the appropriate period specified in subsection (i)
304 of this section.

305 (g) If such person contacts the department to schedule a hearing, the
306 department shall assign a date, time and place for the hearing, which
307 date shall be prior to the effective date of the suspension. At the
308 request of such person or the hearing officer and upon a showing of
309 good cause, the commissioner may grant one continuance for a period
310 not to exceed fifteen days. [If a continuance is granted, the

311 commissioner shall extend the validity of the temporary operator's
312 license or nonresident operating privilege issued pursuant to
313 subsection (c) of this section for a period not to exceed the period of
314 such continuance.] The hearing shall be limited to a determination of
315 the following issues: (1) (A) Did the police officer have probable cause
316 to arrest the person for operating a motor vehicle while under the
317 influence of intoxicating liquor or drug or both, [; (2)] and was such
318 person placed under arrest, [; (3)] or (B) if the person was operating a
319 motor vehicle involved in an accident resulting in a fatality or serious
320 physical injury, as defined in section 53a-3, and the police officer
321 requested the person to submit to a blood or breath test pursuant to
322 subsection (b) of section 14-227c, as amended by this act, did the police
323 officer have probable cause to believe that such person was operating
324 such motor vehicle while under the influence of intoxicating liquor; (2)
325 did such person refuse to submit to such test or analysis or did such
326 person submit to such test or analysis, commenced within two hours of
327 the time of operation, and the results of such test or analysis indicated
328 that such person had an elevated blood alcohol content; and [(4)] (3)
329 was such person operating the motor vehicle. In the hearing, the
330 results of the test or analysis shall be sufficient to indicate the ratio of
331 alcohol in the blood of such person at the time of operation, except that
332 if the results of the additional test indicate that the ratio of alcohol in
333 the blood of such person is twelve-hundredths of one per cent or less
334 of alcohol, by weight, and is higher than the results of the first test,
335 evidence shall be presented that demonstrates that the test results and
336 analysis thereof accurately indicate the blood alcohol content at the
337 time of operation. The fees of any witness summoned to appear at the
338 hearing shall be the same as provided by the general statutes for
339 witnesses in criminal cases.

340 (h) If, after such hearing, the commissioner finds on any one of the
341 said issues in the negative, the commissioner shall reinstate such
342 license or operating privilege. If, after such hearing, the commissioner
343 does not find on any one of the said issues in the negative or if such
344 person fails to appear at such hearing, the commissioner shall affirm

345 the suspension contained in the suspension notice for the appropriate
346 period specified in subsection (i) of this section. The commissioner
347 shall render a decision at the conclusion of such hearing or send a
348 notice of the decision by bulk certified mail to such person not later
349 than thirty days or, if a continuance is granted, not later than forty-five
350 days from the date such person received notice of such person's arrest
351 by the police officer or was requested by the police officer to submit to
352 a blood or breath test pursuant to subsection (b) of section 14-227c, as
353 amended by this act. The notice of such decision sent by certified mail
354 to the address of such person as shown by the records of the
355 commissioner shall be sufficient notice to such person that such
356 person's operator's license or nonresident operating privilege is
357 reinstated or suspended, as the case may be. Unless a continuance of
358 the hearing is granted pursuant to subsection (g) of this section, if the
359 commissioner fails to render a decision within thirty days from the
360 date such person received notice of such person's arrest by the police
361 officer or was requested by the police officer to submit to a blood or
362 breath test pursuant to subsection (b) of section 14-227c, as amended
363 by this act, the commissioner shall reinstate such person's operator's
364 license or nonresident operating privilege, provided notwithstanding
365 such reinstatement the commissioner may render a decision not later
366 than two days thereafter suspending such operator's license or
367 nonresident operating privilege.

368 (i) The commissioner shall suspend the operator's license or
369 nonresident operating privilege, [and revoke the temporary operator's
370 license or nonresident operating privilege issued pursuant to
371 subsection (c) of this section, of a person who did not contact the
372 department to schedule a hearing,] who failed to appear at a hearing
373 or against whom, after a hearing, the commissioner held pursuant to
374 subsection (h) of this section, as of the effective date contained in the
375 suspension notice or the date the commissioner renders a decision,
376 whichever is later, for a period of: (1) (A) Except as provided in
377 subparagraph (B) of this subdivision, ninety days, if such person
378 submitted to a test or analysis and the results of such test or analysis

379 indicated that such person had an elevated blood alcohol content, (B)
380 one hundred twenty days, if such person submitted to a test or
381 analysis and the results of such test or analysis indicated that the ratio
382 of alcohol in the blood of such person was sixteen-hundredths of one
383 per cent or more of alcohol, by weight, or (C) six months if such person
384 refused to submit to such test or analysis, (2) if such person has
385 previously had such person's operator's license or nonresident
386 operating privilege suspended under this section, (A) except as
387 provided in subparagraph (B) of this subdivision, nine months if such
388 person submitted to a test or analysis and the results of such test or
389 analysis indicated that such person had an elevated blood alcohol
390 content, (B) ten months if such person submitted to a test or analysis
391 and the results of such test or analysis indicated that the ratio of
392 alcohol in the blood of such person was sixteen-hundredths of one per
393 cent or more of alcohol, by weight, and (C) one year if such person
394 refused to submit to such test or analysis, and (3) if such person has
395 two or more times previously had such person's operator's license or
396 nonresident operating privilege suspended under this section or if
397 such person was an operator of a motor vehicle involved in an accident
398 resulting in a fatality or serious physical injury, as defined in section
399 53a-3, (A) except as provided in subparagraph (B) of this subdivision,
400 two years if such person submitted to a test or analysis and the results
401 of such test or analysis indicated that such person had an elevated
402 blood alcohol content, (B) two and one-half years if such person
403 submitted to a test or analysis and the results of such test or analysis
404 indicated that the ratio of alcohol in the blood of such person was
405 sixteen-hundredths of one per cent or more of alcohol, by weight, and
406 (C) three years if such person refused to submit to such test or analysis.

407 (j) Notwithstanding the provisions of subsections (b) to (i),
408 inclusive, of this section, any police officer who obtains the results of a
409 chemical analysis of a blood sample taken from an operator of a motor
410 vehicle involved in an accident who suffered or allegedly suffered
411 physical injury in such accident shall notify the Commissioner of
412 Motor Vehicles and submit to the commissioner a written report if

413 such results indicate that such person had an elevated blood alcohol
414 content, and if such person was arrested for violation of section
415 14-227a in connection with such accident. The report shall be made on
416 a form approved by the commissioner containing such information as
417 the commissioner prescribes, and shall be subscribed and sworn to
418 under penalty of false statement, as provided in section 53a-157b, by
419 the police officer. The commissioner may, after notice and an
420 opportunity for hearing, which shall be conducted in accordance with
421 chapter 54, suspend the motor vehicle operator's license or nonresident
422 operating privilege of such person for a period of up to ninety days, or,
423 if such person has previously had such person's operator's license or
424 nonresident operating privilege suspended under this section for a
425 period of up to one year. Each hearing conducted under this
426 subsection shall be limited to a determination of the following issues:
427 (1) Whether the police officer had probable cause to arrest the person
428 for operating a motor vehicle while under the influence of intoxicating
429 liquor or drug or both; (2) whether such person was placed under
430 arrest; (3) whether such person was operating the motor vehicle; (4)
431 whether the results of the analysis of the blood of such person indicate
432 that such person had an elevated blood alcohol content; and (5)
433 whether the blood sample was obtained in accordance with conditions
434 for admissibility and competence as evidence as set forth in subsection
435 (j) of section 14-227a. If, after such hearing, the commissioner finds on
436 any one of the said issues in the negative, the commissioner shall not
437 impose a suspension. The fees of any witness summoned to appear at
438 the hearing shall be the same as provided by the general statutes for
439 witnesses in criminal cases, as provided in section 52-260.

440 (k) The provisions of this section shall apply with the same effect to
441 the refusal by any person to submit to an additional chemical test as
442 provided in subdivision (5) of subsection (b) of section 14-227a.

443 (l) The provisions of this section shall not apply to any person
444 whose physical condition is such that, according to competent medical
445 advice, such test would be inadvisable.

446 (m) The state shall pay the reasonable charges of any physician who,
447 at the request of a municipal police department, takes a blood sample
448 for purposes of a test under the provisions of this section.

449 (n) For the purposes of this section, "elevated blood alcohol content"
450 means (1) a ratio of alcohol in the blood of such person that is eight-
451 hundredths of one per cent or more of alcohol, by weight, or (2) if such
452 person is under twenty-one years of age, a ratio of alcohol in the blood
453 of such person that is two-hundredths of one per cent or more of
454 alcohol, by weight.

455 (o) The Commissioner of Motor Vehicles shall adopt regulations in
456 accordance with chapter 54 to implement the provisions of this section.

457 Sec. 7. Section 14-227a of the general statutes is amended by adding
458 subsection (l) as follows (*Effective October 1, 2003*):

459 (NEW (l) Any person who violates any provision of subsection (a) of
460 this section during the period such person's motor vehicle operator's
461 license or nonresident operating privilege is under suspension or
462 revocation on account of a violation of subsection (a) of this section or
463 section 53a-56b or 53a-60d or pursuant to section 14-227b, as amended
464 by this act, shall, in addition to any fine or sentence imposed pursuant
465 to subsection (g) of this section, have the motor vehicle such person
466 was operating at the time of the offense seized and forfeited to the
467 state in accordance with the provisions of section 54-33g, as amended
468 by this act.

469 Sec. 8. Section 54-33g of the general statutes is repealed and the
470 following is substituted in lieu thereof (*Effective October 1, 2003*):

471 (a) When any property believed to be possessed, controlled,
472 designed or intended for use or which is or has been used or which
473 may be used as a means of committing any criminal offense, except a
474 violation of section 21a-267, 21a-277, 21a-278 or 21a-279, has been
475 seized as a result of a lawful arrest or lawful search, which the state

476 claims to be a nuisance and desires to have destroyed or disposed of in
477 accordance with the provisions of this section, or when a motor vehicle
478 is seized pursuant to subsection (l) of section 14-227a, as amended by
479 this act, the judge or court issuing the warrant or before whom the
480 arrested person is to be arraigned shall, within ten days after such
481 seizure, cause to be left with the owner of, and with any person
482 claiming of record a bona fide mortgage, assignment of lease or rent,
483 lien or security interest in, the property so seized, or at [his] such
484 owner's or person's usual place of abode, if [he] such owner or person
485 is known, or, if unknown, at the place where the property was seized,
486 a summons notifying the owner and any such other person claiming
487 such interest and all others whom it may concern to appear before
488 such judge or court, at a place and time named in such notice, which
489 shall be not less than six nor more than twelve days after the service
490 thereof. Such summons may be signed by a clerk of the court or [his]
491 such clerk's assistant and service may be made by a local or state police
492 officer. It shall describe such property with reasonable certainty and
493 state when and where and why the same was seized.

494 (b) If the owner of such property or any person claiming any
495 interest in the same appears, [he] such owner or person shall be made
496 a party defendant in such case. Any state's attorney or assistant state's
497 attorney may appear and prosecute such complaint and shall have the
498 burden of proving all material facts by clear and convincing evidence.

499 (c) If the judge or court finds the allegations made in such complaint
500 to be true and that the property has been possessed, controlled or
501 designed for use, or is or has been or is intended to be used, with
502 intent to violate or in violation of any of the criminal laws of this state,
503 except a violation of section 21a-267, 21a-277, 21a-278 or 21a-279, [he]
504 or that the motor vehicle has been seized pursuant to subsection (l) of
505 section 14-227a, as amended by this act, the judge or court shall render
506 judgment that such property is a nuisance and order the same to be
507 destroyed or disposed of to a charitable or educational institution or to
508 a governmental agency or institution provided, if any such property is

509 subject to a bona fide mortgage, assignment of lease or rent, lien or
510 security interest, such property shall not be so destroyed or disposed
511 of in violation of the rights of the holder of such interest. When any
512 money or valuable prize has been seized upon such warrant and
513 condemned under the provisions of this section, such money or
514 valuable prize shall become the property of the state and when the
515 property is money it shall be deposited in the General Fund, provided
516 any such property, which at the time of such order is subject to a bona
517 fide mortgage, assignment of lease or rent, lien or security interest
518 shall remain subject to such mortgage, assignment of lease or rent, lien
519 or security interest. When any property or valuable prize has been
520 declared a nuisance and condemned under this section, the court may
521 also order that such property be sold by sale at public auction in which
522 case the proceeds shall become the property of the state and shall be
523 deposited in the General Fund; provided, any person who has a bona
524 fide mortgage, assignment of lease or rent, lien or security interest
525 shall have the same right to the proceeds as [he] such person had in the
526 property prior to sale. Final destruction or disposal of such property
527 shall not be made until any criminal trial in which such property might
528 be used as evidence has been completed.

529 (d) If the judge or court finds the allegations not to be true or that
530 the property has not been kept with intent to violate or in violation of
531 the criminal laws of this state or that it is the property of a person not a
532 defendant, [he] or that the motor vehicle was improperly seized
533 pursuant to subsection (l) of section 14-227a, as amended by this act,
534 the judge or court shall order the property returned to the owner
535 forthwith and the party in possession of such property pending such
536 determination shall be responsible and personally liable for such
537 property from the time of seizure and shall immediately comply with
538 such order.

539 (e) Failure of the state to proceed against such property in
540 accordance with the provisions of this section shall not prevent the use
541 of such property as evidence in any criminal trial.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>

Statement of Purpose:

To authorize a court to order the installation of an ignition interlock device in the motor vehicle of a repeat drunk driver as part of such person's sentence and in the motor vehicle of an arrested drunk driver as a condition of such person's release on bail or entry into a pretrial program, require a police officer to request an operator of a motor vehicle involved in an accident resulting in serious physical injury or death who is suspected of drunken driving to submit to breath or blood tests and subject such operator to a three-year license suspension under the administrative license suspension procedure, require the forfeiture of the motor vehicle that a person was operating if such person is convicted of drunken driving while under suspension for a prior drunken driving incident, require hospitals to turn over medical records of operators involved in accidents resulting in serious physical injury or death upon the request of a police officer, and provide that the suspension of a driver's license of a person convicted of drunken driving commences once any period of incarceration has ended.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]